



**ZONING ADMINISTRATOR**  
**NOTICE OF DECISION**

**Date:** January 5, 2012  
**Applicant:** Beverages & More Inc.  
**Case No.:** PCC-11-067  
**Address:** 2237 Otay Lakes Road  
**Project Planner:** Jeff Steichen

Notice is hereby given that on January 5, 2012, the Zoning Administrator considered Conditional Use Permit (CUP) application PCC 11-067, filed by Beverages & More, Inc. (BevMo) ("Applicant"). The Applicant requests Conditional Use Permit approval to allow for the sale of alcoholic beverages, along with a small wine tasting area, within a new retail building within the Eastlake Village Marketplace. The Project is located at 2237 Otay Lakes Road ("Project Site") and is owned by Sobreck LP Eastlake Village Marketplace LLC ("Property Owner"). The Project Site is zoned Planned Community (PC) with a Village Center (VC-1) commercial land use district. The General Plan is Retail Commercial (CR). The Project is more specifically described as follows:

The Project consists of the construction of a 7,500 square-foot commercial building to be occupied by BevMo, a retail distributor of alcohol. The Conditional Use Permit approval will allow the retail sale of alcoholic beverages along with a wine tasting areas. The building will be constructed on the same site and just west of Chase Bank, within the Eastlake Village Marketplace.

The Development Services Director has reviewed the proposed project restaurant for compliance with the California Environmental Quality Act (CEQA) and has determined that the project was adequately covered in previously adopted Final EIR (EIR 92-01), for the Eastlake II Sectional Planning Area (SPA) Plan. No further environmental review or documentation is necessary.

The Zoning Administrator, under the provisions of Section 19.14.040 of the Chula Vista Municipal Code, has been able to make the Conditional Use Permit findings as required by CVMC Section 19.14.080:

- 1. That the proposed use at this location is necessary or desirable to provide a service or facility which will contribute to the general well being of the neighborhood or community.**

This finding is met because the approval of this project will enable the applicant to use the project site to provide a necessary or desirable facility for the community. The proposed establishment will offer a safe shopping environment offering a large selection and volume of alcoholic beverages as well as accessory items to allow for one-stop shopping for entertaining.

- 2. That such use will not, under the circumstances of the particular case, be detrimental to the health, safety or general welfare of persons residing or working in the vicinity or injurious to property or improvements in the vicinity.**

This finding is met because a condition of approval has been included in the Conditional Use Permit that requires that the applicant obtain approval of a Building Permit in compliance with applicable sections of the California Building and Fire codes. The project proposes forty-one parking spaces. The applicant will be required to obtain a license from the ABC regarding both the retail sales of alcoholic beverages along with the small wine tasting area proposed inside the establishment. As such, the premises will be secured by a combination of video cameras and other security measures.

- 3. That the use will comply with the regulations and conditions specified in the code for such use.**

This finding is met because the granting of this Conditional Use Permit is conditioned to require the Applicant and Property Owner to fulfill its conditions of approval and to comply with all applicable regulations and standards specified in the Municipal Code, and the California Building, Fire and other applicable codes, for such use. These conditions will be enforced through building plan review, inspections prior to occupancy of the use and subsequent operation of the business. Furthermore, the conditions of this permit are approximately in proportion to the nature and extent of the impact created by the project in that the conditions imposed are directly related to, and of a nature and scope related to the size and impact of the project. The project will comply with all regulations and conditions specified in the Zoning Code for uses established under PCC-11-067.

- 4. That the granting of this Conditional Use Permit will not adversely affect the General Plan of the City or the adopted plan of any government agency.**

The General Plan designates the site as Retail Commercial. This finding is met because the operation of a large scale liquor store, as approved by a Conditional Use Permit pursuant to the Eastlake II SPA Plan, is consistent with Retail Commercial (CR) permitted land uses. Thus, the proposed project is consistent with the Retail Commercial (CR) General Plan land use designation and will not adversely affect implementation of the General Plan.

**BASED ON THE FINDINGS ABOVE, THE ZONING ADMINISTRATOR hereby approves Conditional Use Permit PCC-11-067 as described above subject to the following conditions:**

- I. Prior to the approval by the City of Chula Vista for the use of the subject property in reliance upon this approval, the Applicant shall satisfy the following requirement:**

PLANNING DIVISION

1. The Property Owner or authorized representative shall execute this document by making a true copy of this Notice of Decision and signing both this original notice and the copy on the lines provided below, said execution indicating that the Property Owner and the Applicant have each read, understood and agreed to the conditions and land use operation modifications contained herein, and will implement same. Upon execution, the true copy with original signatures shall be returned to the Development Services Department. Failure to return the signed true copy of this document prior to submittal for building permits to the Development Services Department shall indicate the Property Owner's and Applicant's desire that the project, and the corresponding application for building permits and/or a business license, be held in abeyance without approval.

\_\_\_\_\_  
Signature of Property Owner

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Authorized Representative

\_\_\_\_\_  
Date

2. Approval of this Conditional Use Permit application is contingent upon approval of Design Review application, DRC-11-25 by the Zoning Administrator

**II. The following on-going conditions shall apply to the Project as long as it relies upon this approval.**


1. Hours of operation (including beer and wine tasting) shall be limited to Sunday through Saturday 9:00 am to 10:00 pm.
2. It will be the duty and responsibility of all retailers, managers, and employees to prevent underage patrons from obtaining alcoholic beverages by closely monitoring clientele and intervening whenever necessary.
3. BevMo management or designees shall remove and bar from re-entry, any patron involved in providing, furnishing, or passing alcoholic beverages to any individual inside the facility who is under 21 years of age. In addition, BevMo management or designees shall remove and bar from re-entry any individual who is under 21 years of age who possesses and/or consumes alcohol inside the facility.
4. In the designated tasting area only two alcoholic beverages are to be provided to any one person at a time.
5. The use of any amplifying system or device inside the premises shall not be audible more than 25 feet outside of the ABC designated alcohol service areas.

6. Loitering is prohibited on or around the premises under control of the licensee. BevMo shall police the area under their control in an effort to prevent loitering.
7. Signs must be posted at all exits, advising customers that open containers of alcohol are prohibited outside of the ABC established services areas.
8. All servers/managers/owners shall attend LEAD training given by ABC.
9. BevMo shall equip the ABC licensed area with cameras above and behind each alcohol service area.
10. All data from video cameras will be recorded on high quality digital recorders and maintained inside of a locked office. One video monitor will be positioned at the manager's and/or security office, which give the employee of choice the ability to monitor all cameras simultaneously or view one at a time. All video cameras shall be set to record at all times the business is open.
11. All areas will have sufficient lighting to identify persons on the video surveillance system.
12. Digital recording media will be maintained in the locked office for 10 days and be available for review at any time by the Chula Vista Police Department.
13. This Conditional Use Permit authorizes only the use specified in the application for PCC-11-067. Any new use, modification or expansion of the use, or activities not authorized under this Conditional Use Permit, shall be subject to the review and approval of the Zoning Administrator.
14. This permit shall become void if not used or extended within three years of the effective date thereof in accordance with Section 19.14.260 of the Chula Vista Municipal Code.
15. If any of the foregoing conditions fail to occur, or if they are, by their terms, to be implemented and maintained over time, if any of such conditions fail to be so implemented and maintained according to their terms, the City shall have the right to revoke or modify all approvals herein granted, deny, or further condition issuance of all future building permits, deny, revoke, or further condition all certificates of occupancy issued under the authority of approvals herein granted, institute and prosecute litigation to compel their compliance with said conditions or seek damages for their violation. The applicant or a successor in interest gains no vested rights by the City's approval of this Conditional Use Permit.
16. Applicant and his/her successors in interest agree to defend, indemnify and hold harmless the City and its agents, officers and employees, from any claim, action or proceeding against the City, or its agents, officers or employees, to attack, set aside, void or annul

any approval by the City, including approval by its City Council or any approval by its agents, officers, or employees with regard to this Conditional Use Permit, provided the City promptly notifies the Applicant of any claim, action or proceeding and on the further condition that the City fully cooperates in the defense.

17. Approval of this Project shall not waive compliance with all sections of Title 19 of the Municipal Code, and all other applicable City Ordinances in effect at the time of building permit issuance or the approval of this Conditional Use Permit.

APPROVED BY ZONING ADMINISTRATOR OF THE CITY OF CHULA VISTA,  
CALIFORNIA, this 5<sup>th</sup> day of January, 2012.

  
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Mary Ladana,  
Zoning Administrator

cc Steve Power, Principal Planner  
Rocio Clough/Beverages & More, Inc/1470 Enea Circle, Suite 1600/ Concord CA 94520